

**GOVERNMENT OF ANDHRAPRADESH
ABSTRACT**

Social Welfare Department – Appeal petition filed by Smt. O.Sarada W/o Naga Raju Occ: Superintending Engineer, M&W Circle, Red Hills, Hyderabad District against the Proceedings of the District Collector, SPSR Nellore – under section 7(2) of The Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – **Appeal Petition Disallowed** – Orders Issued.

SOCIAL WELFARE (CV.1) DEPARTMENT

G.O.MS.No. 68

**Dated:03.08.2013.
Read the following.**

- . Ref: 1.Proceedings of the District Collector, SPSR Nellore, No. C5(M)/646/2011, dated 12.04.2012.
2. Appeal Petition filed by Smt. O.Sarada W/o Naga Raju Occ: Superintending Engineer, M&W Circle, Red Hills, Hyderabad District before M(SW), No.234/M(SW)/2012, dt.12.04.2012.
3. Govt. Memo. No. 6928/CV.1/2012, dt .19.05.2012
4. Govt. Memo. No. 6928/CV.1/2012, dt .23.07.2012
5. Representation of Sri G. Mohan Ambedkar, Mala MahaNadu, dated 18.05.2012
6. From the District Collector, SPSR Nellore Rc.No.C5(M)/646/ 2011, dated 10.07.2012
7. Govt. Lr. No. 6928/CV.1/2012, dated:17.09.2012 & 19.10.2012
8.Govt.Memo.No.6928/CV.1/2012,dt:17.09.2012 & 19.10.2012
9.Govt. Lr.No.7602/CV.1/2012, dated 20.11.2012
10. Govt. Lr. No. 6928/CV.1/2012, dated:07.01.2013 & 30-01-2013
11. Govt. Memo. No. 6928/CV.1/2012, dt:07.01.2013, 30-01-2013 & 23.05.2013

ORDER:

1. In the reference 1st read above, the District Collector, SPSR Nellore has cancelled the Scheduled Caste “Samban” certificate of Smt. O.Sarada W/o Naga Raju Occ: Superintending Engineer, M&W Circle, Red Hills, Hyderabad District.

2. In the reference 2nd read above, Smt. O.Sarada filed an appeal before the Government against the Proceedings of the District Collector, Nellore. The Government vide ref. 3rd read above, while admitting the appeal have stayed the operation of the Proceedings issued by the District Collector canceling the SC caste certificate of Smt O. Sarada and called for the parawise remarks and connected records of the case for further examination.

3. In the reference 5th read above, Sri G. Mohan Ambedkar, State Vice President Mala Mahanadu Organization, Kukatpally, Hyderabad has requested the Government to implead him as a party in the Appeal Petition filed by Smt. O.Sarada.

4. In the reference 6th read above, the District Collector, SPSR Nellore has furnished the parawise remarks along with the connected records on the Appeal Petition filed by Smt. O.Sarada.

[p.t.o...]

5. In the reference 9th read above, Sri G. Mohan Ambedkar was informed that his name has been included as a necessary party in the appeal petition by Smt. O.Sarada and also requested to attend the personal hearings posted on the said appeal petition.

6. The Appeal Petition has been posted for hearing on 08.10.2012, 17.12.2012, 21.01.2013 and finally on 21.01.2013. The appellant was informed to attend the hearings along with all documentary evidence/certificates in favour of her community claim. Appellant has submitted her written arguments at the time of hearing of the case to the appellate authority on 22.06.2013. She has also submitted her reply to the counter affidavit of the impleaded party.

7. After hearing the arguments of both parties and on examination of the records furnished by the District Collector, the following points have been observed:-

1. The District Collector, SPSR Nellore has reported that the Appellant has obtained Samban (SC) caste certificate from RDO, Kavali on 21.12.1989, while she was staying at Ramatheeratham village Vidavalur Mandal. Later when, she was staying at Allur Town and Mandal, she again obtained Samban (SC) caste certificate on 25.07.2006. Her claim is that her caste is Sambunukapu which is synonym to Samban.
2. As per recorded evidence produced, by the RDO, Kavali and Deputy Director (SW), Nellore, the caste of Smt O.Saradha has not been proved as Samban (SC) but she obtained Samban (SC) community certificate for depriving the benefits intended to SC people. Hence, the caste certificate issued to Smt.O.Saradha by the RDO, Kavali vide C.C.No. 563/89, dt 21.12.1989 and permanent caste certificate No. 165/2006, dt 25.7.2006 as Samban (SC) are liable to be cancelled. The findings of DLSC ordered to be put for approval by the members.
3. The appellant is failed to prove the burden of proof as SC community, as per the provisions of G.O.Ms No. 58, (SW.J1) dept. dt:12.5.1997.
4. As per the reports submitted by the RDO, Kavali and Deputy Director (SW), Nellore, the DLSC, SPSR Nellore Smt.O.Saradha has obtained Samban (SC) certificate for depriving the benefits intended to SC Community people.
5. The DLSC has recommended to issue orders for cancellation of SC (Samban) Certificate issued to Smt.O.Saradha by the RDO, Kavali vide certificate F.Dis 190/989, dt:21.12.1989 and to initiate action against the individual U/s 15 of AP(SC,ST & BCs) Regulation of Issue of Community Certificate Rules, 1997.

8. In the circumstances, stated supra, Government after careful examination and in exercise of the powers conferred u/s 7 (2) of Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 hereby **disallow** the appeal petition filed by Smt. O.Sarada against cancellation of her Scheduled Caste (Samban) certificate by the District Collector, SPSR Nellore in his proceedings No. C5(M)/646/2011, dated 12.04.2012. Action may also be initiated U/s 15 of AP (SC, ST & BC) Regulation of Issue of Community certificate Rules 1997.

[Contd...3]

9. The District Collector, SPSR Nellore shall take necessary action in the matter accordingly.

10. The records in No. Rc.C5(M)/646/2011 containing 1 to 242 C.F pages received from the District Collector, SPSR Nellore, through ref. 6th read above, are returned herewith in original to District Collector and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**J.RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Collector & District Magistrate, SPSR Nellore (with original records)
Smt. O.Sarada W/o Naga Raju
Occ: Superintending Engineer,
M&W Circle, Red Hills, Hyderabad R/o Hyderabad

Sri G. Mohan Ambedkar,
D.No. 15/69, Subedarpeth,
Nellore-1.

Sri K.R.Prabhakar, Advocate, Plot No. 410,
Road No. 22, Jubilee Hills, Hyderabad
Sri G. Mohan Ambedkar,
D.No. 15/69, Subedarpeth,
Nellore-1.

Copy to:

P.S. to M (SW)
P.S. to Principal Secretary (SW)
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER